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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Masahiro Honjo

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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/987,681	HONJO, MASAHIRO	
	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12-14, 18-23, 26-28, 31, 32, 35, 40, 48, 51, 54, 57 and 60 is/are rejected.
- 7) ☒ Claim(s) 15 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2-11,16,17,24,25,29,30,33,34,36-39,41,42,44-47,49,50,52,53,55,56,58 and 59.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1, 12-15, 18-23, 26-28, 31, 32, 35, 40, 43, 48, 51, 54, 57 and 60 in the reply filed on 09 February 2007 is acknowledged. Claims 2-11, 16-17, 24-25, 29-30, 33-34, 36-39, 41-42, 44-47, 49-50, 52-53, 55-56 and 58-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 28, 31, 32 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 28, 31, 32 and 35 recite a program or a software for implements a process however the claims do not specified the location or a medium on which the program or software is stored. (See MPEP 2100.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 22 and 60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

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which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification do not describe “ the first and second media are one and the same data recording medium” as being recorded in claims 22 and 60. See specification and Figs. 1 and 3.

6. Claims 22 and 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation in claims 22 and 60 is contradict to the recitation in claims 1 and 12. It is noted that claims 1 and 12 recite a first medium and a second medium storing first data and second data respectively . Further there is no antecedent basis for the “media” being recited in claims 22 and 60.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1,12-15,19-21,23,26-28,31,32,35,40, 48,51,54 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujinami et al (5456684).

Regarding claims 1,12, 23, 26,28,31 and 32, Fujinami discloses a method and an apparatus (Fig. 16, column 6, lines 60-68, columns 16 and 17)) by which data is read from a first recording medium containing first MPEG data which is divided taking a given data unit as one data group, and a recording/reproduction process for the read data is carried out, comprising:

- a reading means for reading the first MPEG data from the first recording medium (DSM);

- an information obtaining step of obtaining positional information (entry point information) which indicates positions of previous and subsequent data groups of a specific data group in the read first MPEG data with respect to said specific data group, on the basis of the first MPEG data (column 15, line 65 to column 6, line 5);

- an information addition step (50,56) of adding the positional information at a determined position in the first MPEG data to generate second MPEG data (column 16, lines 19-68); and

- a recording step of recording the second MPEG data on a second recording medium.(60)(column 17, lines 1-9, column 19, lines 10-20).

Further for claims 28, 31,32 and 35 , Fujinami teaches a program stored on a medium used with a computer to perform the method since Fujinami teaches that the reading of the first data, adding positional information and recording the second data are control by a computer or a processor (Fig. 16).

Regarding claim 13, Fujinami further teaches a coding step of coding a video signal by an MPEG coding system to create video data and simultaneously coding an audio signal to create audio data; a multiplexing step of multiplexing the audio data and the video data to generate the first MPEG data; and a preprocessing recording step of recording the first MPEG data on the first recording medium.(Fig. 16, column 6, lines 60-68).

Regarding claims 14 and 40, Fujinami further teaches in the information addition step, the positional information indicating the positions of the previous and subsequent data groups of the specific data group with respect to said specific data group is added in the vicinity of the head of said specific data group (Figs. 14, 18,19).

Regarding claims 18 and 48, Fujinami further teaches the MPEG data is coded data which conforms to any of MPEG1, -MPEG2, MPEG4, and MPEG7 standards (column 6, lines 60-68).

Regarding claims 19 and 51, Fujinami further teaches the first and second MPEG data are transport streams or program streams (recorded stream).

Regarding claim 20, Fujinami further teaches the data group is composed of one or plural GOPs each being an access unit at reproduction (Fig.6, column 3, lines 40-55).

Regarding claims 21 and 57, Fujinami further teaches the first and second recording media are any of a hard disk, an optical disk, a magneto-optical disk, a semiconductor memory, and a magnetic tape (Fig. 16).

Regarding claim 27, Fujinami further teaches a recording medium which contains second MPEG data, the second MPEG data is divided taking a given data unit

as one data group, and has a data structure including positional information which indicates positions of previous and subsequent data groups of a specific data group with respect to said specific data group (column 6, lines 1-35).

Allowable Subject Matter

9. Claims 15 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER